

Message Text

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15

ACTION L-03

INFO OCT-01 NEA-10 ISO-00 CIAE-00 DODE-00 PM-04 H-02

INR-07 NSAE-00 NSC-05 PA-02 PRS-01 SP-02 SS-15

USIA-15 EB-07 NRC-07 TRSE-00 COME-00 AS-01 OMB-01

/083 W

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R 190520ZNOV 75

FM AMEMBASSY KABUL

TO SECSTATE WASHDC 5075

UNCLAS KABUL 7541

E.O. 11652: NA

TAGS: BGEN, PFOR, PINR, AF

SUBJ: BRIBERY OF FOREIGN OFFICIALS BY U.S. FIRMS OPERATING ABROAD

REF: STATE 258169

1. FOREIGN TRADERS OR THEIR AGENTS IN AFGHANISTAN ARE SUBJECT TO ALL AFGHAN LAWS, INCLUDING LAWS SPECIFICALLY PROHIBITING BRIBERY OF GOVERNMENT OFFICIALS. IN ADDITION, THEIR ACTIVITIES ARE GOVERNED BY "LICENSING REGULATIONS FOR PRIVATE FOREIGN TRADERS AND FIRMS IN AFGHANISTAN" (BEING POUCHED SEPARATELY TO DEPT, L/PM). THIS LAW SPECIFICALLY ALLOWS PAYMENTS OF COMMISSIONS AND FEES TO AFGHAN CITIZEN AGENTS, BUT REQUIRES THAT SUCH AGENTS AND THE AMOUNTS OF THEIR COMMISSIONS OR FEES BE REGISTERED IN ADVANCE WITH THE AFGHAN MINISTRY OF COMMERCE, WHICH HAS THE POWER TO DISALLOW THEM. BRIBERY OF OFFICIALS FALLS UNDER THE PROVISIONS OF ARTICLE 35 OF THE REGULATIONS, WHICH STATES "THEY ARE PROHIBITED FROM INTERFERING, DIRECTLY OR INDIRECTLY, IN THE RELIGIOUS AND POLITICAL AFFAIRS OF AFGHANISTAN." ACCORDING TO A MINISTRY OF COMMERCE SOURCE, BRIBERY OF OFFICIALS IS CONSIDERED INDIRECT INTERFERENCE IN POLITICAL AFFAIRS. PUNISHMENT INCLUDES TERMINATION OF ALL COMMERCIAL ACTIVITIES, AS WELL AS APPLICABLE LEGAL PUNISHMENT.

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2. GOVERNMENT OFFICIALS ARE NOT PROHIBITED FROM ACCEPTING OUTSIDE EMPLOYMENT OR WORKING AS AGENTS, IF THEY ARE PROPERLY REGISTERED, BUT SUCH EMPLOYMENT WOULD BE EXTREMELY RARE WITH A FOREIGN FIRM. PRESENT AFGHAN REGIME IS CONDUCTING MAJOR ANTI-CORRUPTION PROGRAM, AND SUCH A CONNECTION, IF IT HAD ANY FLAVOR OF CONFLICT OF INTEREST, COULD BE BASIS FOR ACCUSATION OF MALFEASANCE, AND OFFICIAL WOULD FACE PRESEUMPTION OF GUILT.
ELIOT

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NNN

*** Current Handling Restrictions *** n/a

*** Current Classification *** UNCLASSIFIED

Message Attributes

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Disposition Approved on Date:
Disposition Authority: n/a
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Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Margaret P. Grafeld
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To: STATE
Type: TE
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